

November 2, 2011 Planning Commission Meeting Minutes

The Eudora Planning Commission met in regular session on Wednesday evening, November 2, 2011, in the Eudora Municipal Building. All seven members were present; Chairman Kurt von Achen, Vice Chairman Richard Campbell, Ken Adkinson, Glenn Bartlett, Erica Ganson, Grant Martin and Johnny Stewart.

Also present were City Administrator John Harrenstein, Codes Administrator Curt Baumann, Economic Director Collin Bielser, Consultant Scott Michie of Lochner/BWR, Reporter John Schulz, and Branden Boyd.

Chairman von Achen called the meeting to order at 7:00 p.m., the pledge of allegiance was recited and the minutes of the October 5, 2011 meeting were approved with one correction. Administrator Harrenstein asked that paragraph 3, page 2, be struck from the record.

The Chairman invited Administrator Harrenstein to give his report. Harrenstein said he had just come from another meeting and had not had time to prepare the report, but he did want to announce to the commission that he was happy to report the birth of his first child, a healthy daughter. von Achen expressed the commission's congratulations.

Codes Administrator Baumann said things are still very slow. His building Inspector's report listed 9 remodeling and 10 addition permits with a total valuation of \$154,195.

There was no public comment so the chairman called for the first public hearing item on the agenda; Consider zoning regulation text amendments to require enhanced site design, landscaping and lighting standards for off-street parking lots in commercial and multifamily districts, and curb and gutter improvements in all but RS and RT districts. He asked Consultant Michie for his comments.

Michie explained that under Section 16-501, Parking Requirements, (9) Parking Lot construction, (a), (b), and (c) are identical to the present regulations, but (d) has been changed. Where it formerly stated that "For parking areas used for storage of equipment or inventory, no paving with hard surface is required," the word "no" has been removed and for areas used for storage of equipment or inventory, paving will now be required. The final sentence, "Such areas shall be graded and surfaced so as to be dust-free and properly drained," has been deleted. Michie said staff is presently working to define that front areas will be paved but side and back areas can have a different surface.

Michie continued, noting that (e) is a new regulation that states that "Parking lots in all zoning districts shall be improved with concrete curb and gutter." He said this is an effort to provide that industrial zones need not be enhanced, but everything else must be enhanced similar to the Nottingham standards adopted in 2010. He added that (f) and all nine regulations under (f) are entirely new.

Johnny Stewart asked if the phrase in (e) "shall be improved" refers to all parking lots and not just new construction?

Several indicated agreement with his question. Grant Martin remarked that it seems to imply that all parking should be made better. Erica Ganson asked if there is wording indicating new construction, and Ken Adkinson suggested that the word "improved" be removed.

Richard Campbell asked, for example, if the Auto Parts Store had eight parking spaces and wanted to add two more, would the two new ones have to conform to the new regulation, with concrete curb and gutters. What about the other eight, he inquired?

From there the discussion continued for a half hour or more, with Consultant Michie and Administrator Harrenstein explaining that the regulation is meant to apply to new construction only, and with the commissioners pointing out various situations that would require decisions to be made. Adkinson said he did not want to put that burden on the codes administrator, and Campbell questioned whether there could be recourse to the Board of Zoning Appeals for a variance in some cases. Campbell concluded, "There will be a problem with the way this is written."

Michie said that in the case of hardship there could be an appeal, or, he suggested, that in the case of the two spaces added to eight, the rules under non-conforming structures might be invoked. He told the commission they have historically been fairly liberal on non-conforming rights. You can enlarge and repair a non-conforming structure which could include a gravel parking lot, he advised.

At the chairman's suggestion it was agreed to remove the wording before "concrete curb and gutter" in (e).

Then a new discussion began concerning (f) iii, which read, "Parking lots must be effectively screened from the surrounding street network and adjacent incompatible uses."

Campbell remarked that it seemed restrictive, and asked who would decide what was "effective" screening? Stewart said he likes to be able to see where a parking lot is, and asked, "If you screen it, how will the ageing find the lot?"

von Achen commented that "We are trying to translate the Nottingham plans into our ordinances."

Michie suggested that perhaps he and the staff should work on the wording, do some revision and then bring it back, and Harrenstein said he would like to run it by the council.

Richard Campbell moved to defer these text amendments until the December meeting, with revisions to be done. Johnny Stewart seconded the motion and the vote was unanimous in favor, 7-0.

Chairman von Achen called for the second public hearing item on the agenda; Consider an application by Branden and Kirsten Boyd, Eudora, for a zoning district classification amendment of a 0.25 parcel of land, 1218 and 1222 Spruce Street, from RS Residential Single-Family District to RT-Two-Family Duplex District. He asked Consultant Michie for his comments.

Michie deferred to Codes Administrator Baumann who said the street is mostly duplexes now and it really should have been RT from the beginning, and if they had had time they would have asked for it now.

Michie added that it is consistent with the adopted Future Land Use Plan which considers two-family residential to be generally compatible with "Low Density" residential districts. This is not a subdivision, he added.

Boyd told the commission that these are all Dewey Richardson's old lots and Mrs. Richardson owns them now and they are trying to correct the zoning, as most builders would not want to put a single-family residence in a block of duplexes.

The chairman opened the public hearing and the only person who spoke was Boyd, who said "I think it is a good idea."

von Achen declared the public hearing closed and brought the topic back to the table.

Campbell asked if the planned duplex would have separate water and sewer services in case of a sale to separate owners, since the commission has had to wrestle with that problem before.

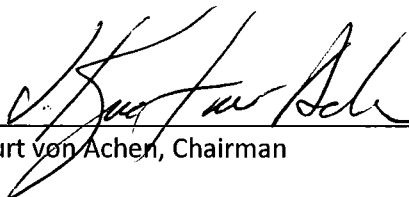
Boyd replied that it would be separate services, as all of Dewey's duplexes were, and if sold it will be one package, as selling to separate owners does not work well, he thinks.

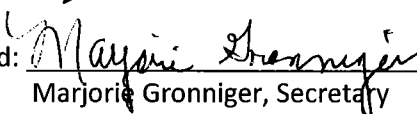
It was suggested that perhaps this application should be delayed until the entire block is rezoned, but von Achen said the commission needs to act on the application before it now, and then take action later on the whole block.

Ken Adkinson moved to recommend to the City council approval of the application by Branden and Kirsten Boyd to establish an RT, Two-Family District zoning classification for 0.25 acre at 1218-1222 Spruce Street. Erica Ganson seconded the motion and the vote was unanimous in favor, 7-0.

Adkinson suggested recommending that the city look at rezoning the entire block. Boyd said not all are surveyed and it will take time, which is why we asked for just this one at this time.

Erica Ganson moved to adjourn, Glenn Bartlett seconded the motion and the meeting adjourned a 7:58 pm.

Signed: 
Kurt von Achen, Chairman

Signed: 
Marjorie Gronniger, Secretary